

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 23-80063-CR-MIDDLEBROOKS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DOLCE,

Defendant.

/

JOINT SECOND MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, Michael Dolce, by and through the undersigned counsel, and moves this Honorable Court to continue the trial date in the above-styled matter and states the following in support thereof:

1. On April 4, 2023, Michael Dolce (the “Defendant”) was indicted on one (1) count of possessing child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). (DE 8)

2. On April 25, 2023, the Court granted a Joint Motion to Continue Trial Date, setting trial for September 11, 2023. [D.E. 14]

3. Prior to the Indictment in this case, several search warrants were issued and executed at the Defendant’s residence resulting in the seizing of nearly a dozen digital devices including computers, flash drives and other electronic media. The

search warrants to seize and search through these items included the implementation of extensive filter protocols prior to the government's prosecution team receiving any evidence discovered through such searches. A filter team had worked with counsel for the Defendant to properly execute the filter protocols.

4. Recently, the Defendant's past employer produced to the government numerous electronic storage devices they had discovered. A filter team is working with counsel for the Defendant and counsel for Defendant's past employer to properly execute the filter protocols.

5. Unfortunately, the filter team has not completed its review of materials which has impacted the ability of the government and the Defendant to ascertain all the evidence in this case, conduct any meaningful discovery or motion practice, or ascertain whether there is exculpatory evidence. Thus, neither party is presently prepared for trial, nor will they be for an anticipated sixty to ninety days.

6. The parties are requesting additional time for the filter team to appropriately parse out confidential information prior to providing all other material relevant to the charged crimes to the trial team and then to the defense for discovery purposes.

7. Counsel for the United States of America and Mr. Dolce request additional time to prepare for trial and are seeking to reset the calendar call and set the trial in this matter to in November 2023.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES

8. The undersigned hereby certifies that he has contacted Assistant United States Attorney Gregory Schiller, who has indicated the government joins this request and authorizes the instant motion to be styled a “Joint Motion to Continue”.

WHEREFORE, the undersigned respectfully requests that this Honorable Court grant this Motion to Continue the trial date in this matter to November 2023.

Date: August 4, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ Leonard S. Feuer
Leonard S. Feuer, Esq.
Florida Bar No.: 501751